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TO : EUR - Mr. Long  
G - Mr. Porter  
EE - Mr. ~~Freese~~  
SP - Mr. Morgan

FROM : OER - Martin J. Hillenbrand

SUBJECT : Summary of Possible Initiatives by the Western Powers

Attached is a summary of the papers which were enclosed with the memo dated January 12, 1959 subject "Possible Initiatives by the Western Powers" from Mr. Merchant to the Secretary.

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**SUMMARY OF PAPERS ON POSSIBLE INITIATIVES BY THE WESTERN FORCES**

1. **Discussions on a German Peace Treaty** proposes that we accept the Soviet proposal for a peace conference, modified to eliminate some of the more objectionable features. We might also take up the Soviet offer in its January 10 note to have preliminary exchanges before the conference, with "appropriate participation" of the GDR and Federal Republic. Soviet removal of peace treaty proposals requires a Western response which will meet public opinion demands and contribute to a solution of the Berlin crisis. There may be a chance to talk the Berlin crisis to death, and if the Soviets are postponing action on Berlin, and eventually retreating without loss of face. The formula may be general discussion of a peace treaty or a Western counter-draft, but in any case this proposal would have to be carefully discussed with the West Germans, British and French. This approach involves risks, which are discussed in the paper, and we should consider whether there are any new substantive proposals we could make.

2. **Immediate Implementation of a German Peace Treaty** proposes that we discuss a German peace treaty with the Soviets and implement the same as clauses are agreed upon. This proposal would "show up" the Russians as unwilling to take any practical steps on the German question, or would bring them into a protracted negotiation. This proposal requires careful examination, and there would have to be both East and West German participation. This idea depends on the assent of the West Germans, for which the risks it poses would be greater than for us. It does offer an extended interval of discussions, during which Berlin would be protected.

3. **Confederation** proposes a German confederation in which East and West Germany would each direct their own social and economic institutions, but a freely elected Federal Government would have power over foreign affairs and defense. Such arrangements would prevent West Germany from altering East German institutions and therefore meet Soviet arguments justifying confederation. However, the Soviet meaning of "confederation" must be carefully examined, since it usually involves several aspects completely unacceptable to us.

4. **A German Confederation Under a UN High Commissioner** proposes a confederation of East and West Germany for a specified period, such to operate under a United Nations High Commissioner who would provide the apparatus for progressively broadening discussions between East and West Germans. During the specified period work would proceed on the terms of a peace settlement and a European security agreement, both to be effective at the end of the period, at which time the UN High Commissioner would carry out all-German elections for a central government with which the peace settlement would be concluded. The peace settlement would provide for limitations on German armament, and foreign troops would be withdrawn in stages, to be completed when the security agreement became effective. In the interim the status quo of Berlin, including access, would not be changed.

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5. Total Troop Withdrawals proposes the withdrawal of all foreign troops from Germany, as part of a reunification agreement; this would include provisions for Soviet withdrawal behind Russian frontiers. The Joint Chiefs have concluded that we can accept, as the price of a united Germany, in or out of NATO, removal of all foreign troops provided the Allied forces can be relocated in contiguous areas, USAR forces are behind Soviet borders, a united Germany is permitted a compensatory buildup, and safeguards are agreed to verify withdrawals and prevent evasion. The Joint Chiefs consider withdrawals from a divided Germany or Central European atom-free zones unacceptable military risks. Defense also considers that relocation raises serious political, financial and military obstacles, and increases the need for a united Germany to have adequate defense forces. This proposal requires a policy decision whether to discuss such an offer with our allies and ascertain from them whether it is possible to relocate the troops required for European defense.

6. Partial Troop Withdrawals proposes withdrawal of one-third of our troops from West Germany and one-third of the Soviet troops from East Germany as part of a German reunification agreement. Additional troops might be withdrawn at agreed intervals as advances were made in general disarmament. The Soviets have made various proposals for a one-third withdrawal, usually linked with general disarmament and security plans and based on maintenance of the status quo. These are unacceptable to the West Germans and to us, but we might explore partial withdrawals in connection with reunification. The JCS did not consider the one-third withdrawal possibility, and its views should be sought on this specific plan.

7. Linking General Proposals on Zones of Limitation With Plans With Disarmament Proposals suggests that (1) the European inspection zone of 50° E - 35° E be a starting point for inspection, limitation and control zones to be proposed in connection with German reunification; (2) the force ceilings proposed by the West in 1957 be a basis for staged withdrawals from the central part of the 50° E - 35° E zone, with withdrawals tied to progress in disarmament and reunification; and (3) given German reunification on acceptable terms, no atomic weapons in the central area, provided inspection against surprise attack extended to a significant portion of Soviet territory. Although it is unlikely the Soviets would accept this, it would show we are looking for new formulas and it is the minimum we could safely offer. All of these proposals would require military reassessments.

8. Linking European Zones of Inspection to Disarmament Proposals proposes that methods of inspection and control developed in disarmament negotiations be applied in the context of German reunification and European security. The Harstad Plan for a central European inspection zone, independent of German reunification, could be our fall-back position. Frigorous objections

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to an inspection zone in the European security context might be met by such a link with other disarmament aspects. The Germans and French oppose inspection zones not including much of European Russia, and the British favor the Herstad Plan as a fall-back.

9. Extension of the Geneva Assurances Against Aggression proposes broadening these (Article 8 of Outline Treaty of Assurance) in one of three ways: (1) to cover attack against USSR by reunified Germany, not in NATO; (2) to cover attack by an Eastern country against a reunited Germany, not in NATO; (3) to cover any alteration of frontiers established by a German peace treaty unless approved by all signatories. The first would, at least in theory, more fully meet Soviet fears of a reunited Germany. The second would counter the widely-held opinion that Germany would be forced to join NATO to obtain an essential security guarantee. While it is unlikely the Senate would authorize such an assurance, its leaders might be sounded out on this. The third is designed to meet Soviet fears of another Munich, but there the strong objection that it recognizes the ~~shakes~~ ~~gap~~ in Eastern Europe in return for German reunification.

10. Modifications of the Eden Plan might be proposed: 1) Representatives from each ~~land~~ might be designated (by the Allies from the Fedtop and the USSR from the GDA) to act as agents of the Four Powers in drafting an all-German Constitution and election law. After review and approval by the Four Powers, elections could be held for a German constituent assembly. The Assembly would then choose an all-German Government; 2) free elections in East Germany under international supervision could be held to prepare the way for reunification discussions between East and West Germans; 3) Methods for the preservation of features of the present East German social system acceptable to the East Germans could be discussed now, with the prospect of similar discussions between East and West Germans after free elections in East Germany; 4) a European security system agreed to by the Four Powers could be presented for approval by plebiscite in East and West Germany prior to the holding of all-German elections and the formation of an all-German Government.

Comment: Proposal (1) would accelerate the establishment of an all-German Government; provide face-saving for the USSR; avoid East-West German parity (10 West Laender vs. 5 East); and avoid recognition of the GDR. In view of ever deeper Soviet commitments to the GDA, the prospects of a Soviet acceptance are even less now than in 1957. Proposal (2) is in line with suggestions made by Bundesstag President Gerstenmaier and Mr. Conant. The latter has noted that if the elections were on a land basis (and parity thus not conceded between East and West Germany), the East German elections need not be supervised. He suggested that while this would mean rigged elections, this would not be too dangerous and might make possible the continuation of talks indefinitely. Proposal (3) would tend to erode support for the

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14. A United Nations guarantee for all Berlin could replace those of the Allies in West Berlin. Presumably UN forces would replace those of the Allies. The many such suggestions for that would be in effect a UN trusteeship for Berlin fall to mention how the UN would deal with the access problem and with GDR assertions of sovereignty. While there is no indication that the Soviets are willing to let the UN play such a larger role in Berlin, their agreement to such a proposal would undoubtedly be at the price of UN recognition of the GDR. If the Allies decided they had to withdraw from Berlin prior to German reunification, this proposal might provide a way. Even then, however, the Western Powers might find themselves in a position where they still had some responsibility for the city but had lost control of decisions regarding Berlin.

15. Negotiated agreement with Soviet Union and East Germany on presence Allied troops in West Berlin. The agreement, which would assure adequate access for Western garrisons in Berlin and could make West Berlin the capital of West Germany, would be endorsed through plebiscite in West Berlin with the possibility of termination by plebiscite as well. Recognition of East Germany would be contingent upon the conclusion of such an agreement. The rationale of this proposal is that it might provide a Berlin solution in a still divided Germany. The continuing presence of Allied forces in Berlin would be by right of something like a treaty servitude. Their presence would presumably serve as deterrent to any Soviet moves to threaten the security, freedom or communications of Berlin. The recognition of the GDR, however, is the key step of this proposal. Allied readiness to give such recognition would undoubtedly encourage the GDR to press all the harder for a solution of the Berlin and German problem along Communist lines, with an increase in the intensity of their efforts to incorporate East Berlin into the GDR and to neutralize West Berlin immediately. The explosive nature of such a proposal is illustrated by the violent reactions in the FedRep and Berlin to the possibility that the Allies might deal with East German officials on a *de facto* basis regarding access to Berlin.

16. Incorporate Berlin (West Berlin) in the Federal Republic. Variants of this "eleventh Land" idea envisage the continued presence of Allied forces under some form of contractual agreement; or that Allied forces would be replaced by the Bundeswehr with Berlin's security becoming a NATO responsibility; or some sort of "demilitarization" of Berlin with its security assumed by the Berlin police. This proposal has generally been made more to strengthen the Western position in Berlin by assuring the complete support of the FedRep rather than to provide an accommodation with the Soviets. If the Western Powers were to decide they had to withdraw from Berlin prior to German reunification, this might be done by transfer of responsibility for the city to the FedRep. It is doubtful that the FedRep could long maintain West Berlin, since it would inherit the same Allied dilemma of access and recognition. The Federal Government is firmly opposed to this proposal but there is support for it within the Opposition.

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principle of free elections and to add to the stature of the GDR. (Most Germans have recognized that numerous features of East German social and economic institutions would have to be preserved). Proposal (A), which would meet Soviet objections that they would otherwise be buying a pig in a poke, was made prior to the 1955 Summit Conference and rejected on the ground that the use of plebiscites was a characteristic technique of dictators.

11. A decision could be taken to deal with the GDR as a *de facto* or *de jure* basis. Such a decision would be counter to the present firm, NATO-endorsed stand that of the three possible alternatives - (a) abandoning Berlin; (b) resorting to force; and (c) staying in Berlin but dealing with and ultimately (if necessary) recognizing the GDR - (b) was implicitly selected. It would also be contrary to the unanimous German political opinion, in Government and opposition. *De jure* recognition by the Western Powers would make possible the termination by the East German Government of all East-West German contacts at below governmental levels. (The Soviet proposal of confederation might well be preferable as offering some possibility of continued contacts under formal agreements). *De facto* recognition, it is believed, would very shortly lead to the equivalent of *de jure* recognition, since pressures on the Berliners would inevitably then lead either to their departure from the city or the making of accommodations with the USSR-GDR representatives. If there is to be dealing with the GDR *de jure* or *de facto*, it would appear preferable to accept the Soviet offer for doing so with some form of international guarantee for the freedom and safety of West Berlin and its people.

12. *Demarcation of all Berlin under a sovereignty of its own choice.* Such a genuinely free city, with an elimination of restrictions on travel and transport between Berlin and the other parts of Germany, would mean the elimination of the East Berlin Magistrat and the carrying out of free elections in East Berlin. Berliners would have to determine their own relationship with other parts of Germany which presumably would mean that *Feilke*-Berlin ties would remain. This arrangement would require some new form of quadripartite cooperation in Berlin but certainly not a restoration of the quadripartite Allied Kommandatura with a Soviet vote. This approach seems to offer no possibility of Soviet acceptance but it would help clarify Berlin issues and provide basis for negotiations tending to preserve *status quo*.

13. A *demarcated* Berlin might be a third German state separate from both the Federal Republic and the GDR, with an independent economy and its own currency. As such a third state Berlin could be a neutral middle ground and a nucleus of a future all-German state. The Federal German Government is firmly opposed to this proposal. In the absence of a suitable substitute for the presence of Allied forces and for the moral and material support of the *Feilke*, Berlin would be in the end delivered up to Communist rule.

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17. The "Healing GCR" of West Berlin from the Soviet Sector and Zone could be agreed. This fulfillment of long-standing Communist efforts would be the ultimate step in suppressing the influence of an independent West Berlin on the Soviet-controlled area. While maintaining West Berlin's freedom and access to the West, it would eliminate the city's remaining unity and freedom of circulation and would constitute an admission that reunification could not be expected in the foreseeable future. It would considerably reduce Berlin's usefulness as a base for anti-Communist activities and as a "show window of democracy." Berlin's morale would suffer, but if access to the West could be maintained, no impossible political or economic difficulties would be involved.

18. Eliminate the "thorn in the Soviet flesh" by suspending these intelligence and propaganda activities which seem to us the least profitable or which could be carried on from the Federal Republic. This approach might have some appeal to the Soviets and might be effected without abandoning our vital interests in Berlin. The obvious problem of clandestine operations arises. It is presumed that this proposal would not affect certain types of activities in West Berlin which are meant primarily to bolster the city's morale or economy or to symbolize its status as the real German capital. (Gr. congresses and conventions, Bundestag and Bundestag meetings, official visits, fairs).

19. An annual in the UN Security Council could be made. The Security Council has been seized of the Berlin problem since 1948. A renewed appeal would be useful to exhaust our peaceful remedies before resorting to force. Apart from a possible Soviet vote, this course of action runs the risk of involving in the Berlin dispute nations which might not understand or sympathize with the Western position. It would also provide the USSR and the GDR an occasion for seeking UN recognition of the GDR. On the other hand, UN action on Berlin and Germany might ultimately offer the Western Powers a means of withdrawing from their Berlin responsibilities without grave damage to their prestige or to the anti-Communist alliances.

20. An application to the International Court of Justice could be made for the adjudication of our legal dispute with the USSR over Berlin. This is another peaceful remedy which could be exhausted before resorting to force. The Soviets have never submitted to the jurisdiction of the Court. If they did in this instance, our legal experts believe we would win. A Soviet rejection might have distinct propaganda value. The principal danger would be the possibility that the Court might further complicate the problem by attempting to compromise and in so doing hand down an ambiguous or unenforceable decision.

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21. A special effort could be made to show our interest in Berlin by ~~announcing new and increased construction and support of plans for the future capital.~~ Projects now under consideration could be accelerated. The U.S., UK and France could join with the FedRep in a conference on such plans and could indicate some measure of financial participation as funds could be secured. Such action would indicate to the world the firmness of our determination to remain in Berlin.

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